

ERIC VALENCIA #167613

MADERA COUNTY JAIL

195 TOZER ST.

MADERA, CA. 93638

PLAINTIFF IN PROSE

**FILED**

JAN 22 2025

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY af  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERIC VALENCIA,

PLAINTIFF,

V.

VILLALOBOS, SGT. B. MENDOZA,  
LT. SEABORN, TYSON FOGUE, AND  
MADERA COUNTY SUE INDIVIDUALLY  
AND IN THEIR OFFICIAL CAPACITY,  
DEFENDANTS.

CASE NO. 1:25-cv-00097

HBK (PC)

"ORIGINAL COMPLAINT WITH JURY  
TRIAL DEMANDED"

**RECEIVED**

JAN 22 2025

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

THIS IS A CIVIL RIGHTS ACTION FILED BY ERIC VALENCIA ("PLAINTIFF") A  
PRETRIAL DETAINEE IN THE MADERA COUNTY JAIL, FOR DAMAGES AND  
INJUNCTIVE RELIEF UNDER 42 U.S.C. § 1983, ALLEGING RETALIATION FOR FILING  
GRIEVANCES IN VIOLATION OF THE FIRST AMENDMENT TO THE UNITED STATES  
CONSTITUTION (RHODES V. ROBINSON, 408 F.3d 559, 568 (9TH CIR. 2005); FAILURE  
TO PROTECT, SUPERVISORY LIABILITY, AND DELIBERATE INDIFFERENCE IN  
VIOLATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.  
(BELL V. WOLFISH, 441 U.S. 520, 535-37 (1979)); (SHORTER V. BACA, 895 F.3d 1176,  
1190 (9TH CIR. 2018)); (CITY OF CLEBURNE V. CLEBURNE LIVING CENTER, INC., 473 U.S.

432, 439 (1985)); *MONNELL V. DEPT. OF SOC. SERVS. OF CITY OF NEW YORK*,  
436 U.S. 658, 690 (1978)).

## II. JURISDICTION / VENUE

1. THIS COURT HAS JURISDICTION OVER THE PLAINTIFF'S CLAIMS OF VIOLATIONS OF FEDERAL CONSTITUTIONAL RIGHTS UNDER 28 U.S.C. §§ 1331 AND 1343. PLAINTIFF SEEKS INJUNCTIVE RELIEF PURSUANT TO 28 U.S.C. §§ 2201 AND 2202.

2. THIS COURT HAS SUPPLEMENTAL JURISDICTION OVER THE PLAINTIFF'S STATE LAW TORT CLAIMS UNDER 28 U.S.C. § 1367.

3. THE EASTERN DISTRICT OF CALIFORNIA IS AN APPROPRIATE VENUE UNDER 28 U.S.C. § 1391(b)(2) BECAUSE IN MADERA COUNTY IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURRED.

## III. PLAINTIFF

4. THE PLAINTIFF, ERIC VALENCIA, IS A PRETRIAL DETAINEE DURING THE EVENTS DESCRIBED IN THIS COMPLAINT. HE IS CURRENTLY CONFINED AT THE MADERA COUNTY JAIL IN MADERA, CALIFORNIA.

## IV. DEFENDANTS

5. THE DEFENDANT, TYSON POBUE, CHIEF OF MADERA COUNTY JAIL, 195 TOZER ST. MADERA, CA. 93638.

6. THE DEFENDANTS, LT. SEABORN, SGT. B. MENDOZA, AND C/O VILLALOBOS, MADERA COUNTY JAIL, 195 TOZER ST. MADERA, CA. 93638

7. THE DEFENDANT, MADERA COUNTY, A MUNICIPAL CORPORATION AND PUBLIC ENTITY, 200 W. 4TH ST., MADERA, CA. 9363T.

8. STATEMENT OF CLAIMS: ON AUGUST 13, 2024, PLAINTIFF ATTEMPTED TO USE THE VISITING DEVICE LOCATED INSIDE THE HOUSING MODULE. DEFENDANT C/O VILLALOBOS WITHOUT GIVING A VERBAL WARNING ORDERED THE PLAINTIFF TO LOCKDOWN FOR

1 THE DAY, BECAUSE OF LOGGING INTO HIS HOMENAV ACCOUNT TO CHECK  
2 HIS BALANCE. MINUTES LATER, OTHER INMATES ARE SEEN HAVING VISITS  
3 WITHOUT BEING FULLY CLOTHED. DEFENDANT C/O VILLALOBOS WITNESSED  
4 THEM VIOLATING FACILITY RULES AND DIDN'T LOCK THEM DOWN WHICH  
5 CONSTITUTES DISCRIMINATION AND VIOLATING EQUAL PROTECTION BECAUSE  
6 THE PLAINTIFF WAS TREATED DIFFERENTLY THEN INMATES SIMILARLY  
7 SITUATED. PLAINTIFF STATES THAT AFTER SEEING THE DISCRIMIN-  
8 ATION, HE FILED A INMATE GRIEVANCE ON HIS CONCERNS AND  
9 REPORT DEFENDANT C/O VILLALOBOS'S ATYPICAL TREATMENT OR  
10 HARASSMENT TOWARDS HIM. PLAINTIFF STATES THAT ON NOVEMBER  
11 16, 2024, DEFENDANT VILLALOBOS'S HARASSMENT WAS DEMONSTRATED  
12 IMMEDIATELY BY BEING VERY ARGUMENTATIVE AND DEGRADING.  
13 PLAINTIFF REQUESTED A INMATE GRIEVANCE FORM TO REPORT THE  
14 DEFENDANT VILLALOBOS'S UNPROFESSIONAL MISCONDUCT, WHICH THE  
15 DEFENDANT DENIED THE PLAINTIFF'S REQUEST. PLAINTIFF STATES THAT  
16 AFTER BEING DENIED THE GRIEVANCE FORM, DEFENDANT VILLALOBOS WAS  
17 SEEN CALLING THE DEFENDANT SGT. B. MENDOZA, TO INFORM HIM OF  
18 HER INTENTIONS TO CONDUCT A RETALIATORY CELL SEARCH AGAINST THE  
19 PLAINTIFF, WHICH DEFENDANT SGT. B. MENDOZA OKEY'D. DEFENDANT  
20 C/O VILLALOBOS SEARCHED PLAINTIFFS' DORM AND DIRECTED HER  
21 FOCUS TOWARDS THE PLAINTIFFS' BED AREA CONFISCATING HIS  
22 PERSONNEL PROPERTY PURCHASED ON COMMISSARY. PLAINTIFF  
23 STATES THAT AFTER DEFENDANT C/O VILLALOBOS CONDUCTED HER  
24 RETALIATORY CELL SEARCH AND CONFISCATED HIS PROPERTY, SHE SARCASTICLY  
25 PROVIDED PLAINTIFF WITH A GRIEVANCE FORM, TELLING THE  
26 PLAINTIFF, THAT DEFENDANT SGT. B. MENDOZA GAVE HER THE OK,  
27 AND TO SPELL HER NAME RIGHT ON THE GRIEVANCE THAT WILL

BE REJECTED FOR FALSE INFORMATION BY DEFENDANT LT.

SEABORN. PLAINTIFF STATES THAT ON DECEMBER 23, 2024, DEFENDANT %O VILLALOBOS WORKED THE HOUSING MODULE AND AGAIN DIRECTED HER HARASSMENT TO THE PLAINTIFF, WHO WAS NOT BEING DISRUPTIVE OR VIOLATING ANY RULES, WHEN SHE TRIED TO PROVOKE THE PLAINTIFF, BY CONFISCATING HIS PROPERTY AND THROWING IT AWAY TO GET A REACTION. PLAINTIFF RESPECTFULLY REQUESTED A INMATE GRIEVANCE FORM TO NOW REPORT THE ONGOING HARASSMENT, DEMONSTRATED BY DEFENDANT %O VILLALOBOS, WHICH SHE AGAIN DENIED. PLAINTIFF STATES THAT HE ADVISED THE DEFENDANT %O VILLALOBOS OF HIS RIGHTS GIVEN TO INMATES CONFINED IN THE MADERA COUNTY JAIL, WHICH STATES:

"EACH INMATE CONFINED IN THE MADERA COUNTY DEPT. OR CORR. WILL HAVE THE FOLLOWING RIGHTS:"

1. THE RIGHT TO GRIEVE ANY ADMINISTRATIVE PROCEDURE,
  2. THE RIGHT TO GRIEVE ANY CONDITION OF CONFINEMENT WHICH CLEARLY VIOLATES ANY SECTION OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 15, SUB 4, MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES, ARTICLES 1-7,
  4. THE RIGHT TO SUBMIT GRIEVANCES WITHOUT FEAR OF REPRISAL OR PUNITIVE SEGREGATION;
  6. THE RIGHT TO APPEAL THE GRIEVANCE DECISION TO THE OPERATIONS COMMANDER OR DESIGNEE FOR FACT-FINDING AND RECOMMENDATIONS
- PLAINTIFF STATES THAT HE ADVISED THE DEFENDANT THAT HER DENYING HIM A GRIEVANCE WAS AN ADDITIONAL VIOLATION, WHICH SHE QUICKLY AGREED THAT HER DENIAL WAS AND STILL WAS DISREGARDING THE REQUEST. DEFENDANT %O VILLALOBOS



WAS TOLD, BY THE PLAINTIFF, HE WOULD REQUEST A GRIEVANCE FROM THE  
 NEXT OFFICER TO COME ON. PLAINTIFF STATES THAT DEFENDANT Y/O VILLALOBOS  
 AGAIN CALLS HER SUPERVISOR DEFENDANT SGT. B. MENDOZA, WHO IS WELL AWARE  
 OF DEFENDANT'S VILLALOBOS' ONGOING HARASSMENT AGAINST THE PLAINTIFF.  
 PLAINTIFF STATES THAT DEFENDANT SGT. B. MENDOZA DIRECTED DEFENDANT  
 VILLALOBOS, TO WRITE THE PLAINTIFF UP ON A FRAUDULANT DISCIPLINARY  
 VIOLATION TO PUNISH THE PLAINTIFF FOR USING THE INMATE GRIEVANCE  
 PROCEDURE, KNOWINGLY VIOLATING GRIEVANCE RIGHT # 1, 2, 4, AND 6.  
 PLAINTIFF STATES THAT THE ADMINISTRATION OF THE MADERA COUNTY  
 JAIL DOES NOT PROVIDE INMATES WITH ITS DPPM TO PROPERLY HOLD  
 OFFICERS ACCOUNTABLE FOR THEIR MISCONDUCT THAT VIOLATES TITLE 15,  
 SUB 4, MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES, ARTICLE  
 1-7 IN VIOLATION OF FREEDOM OF INFORMATION ACT. PLAINTIFF STATES  
 THAT DEFENDANT LT. SEABORN, FINAL ADMINISTRATIVE REVIEW RESPONSE,  
 SHOWS A CUSTOM OF COVERING UP MADERA COUNTY JAIL STAFF'S ABUSE.  
 WHERE EVERY RESPONSE GIVEN BY THE DEFENDANT IS THIS GRIEVANCE  
 IS REJECTED FOR FALSE CLAIMS. SHE STATES THAT SHE WATCHED FOOTAGE  
 AND PHONE CALLS AS PART OF HER INVESTIGATION AND THE PLAINTIFF'S  
 CLAIMS ARE UNFOUNDED. DEFENDANT LT. SEABORN INADEQUATE  
 INVESTIGATIONS AND FALSE INFORMATION GIVEN ABOUT HER INVESTIGATION  
 IS A CRIME OF PERJURY IN A GOVERNMENT ACTIVITY WHICH CONSTITUTES  
 A FAILURE TO PROTECT AND DELIBERATE INDIFFERENCE, CALLING  
 FOR THE INITIATION OF THIS CIVIL RIGHTS ACTION.

9. PLAINTIFF STATES THAT THE DEFENDANT MADERA COUNTY, A MUNICIPAL  
 CORPORATION AND PUBLIC ENTITY, HAS AUTHORITY AS EMPLOYERS OF THE  
 DEFENDANTS NAMED HEREIN AND THE ABUSE OF AUTHORITY CUSTOM  
 RELIED ON BY DEFENDANTS, THE ACTIONABLE CAUSE, IS MADERA COUNTY'S

RESPONSIBILITY TO PREVENT AND PROTECT PLAINTIFF FROM HARASSMENT AND MISTREATMENT BY DEPUTYS WHICH HAS BEEN ONGOING FOR YEARS. PLAINTIFF STATES THAT THE DEFENDANT MADERA COUNTY, HAS A POLICY OF INACTION TO PREVENT OR PROTECT PRISONERS IN THE CUSTODY OF THE MADERA COUNTY JAIL. THIS SAID POLICY OF INACTION IS IN FACT THE STRONG MOVING FORCE THAT GIVES THE DEFENDANTS THE AUTHORITY TO CONTINUE TO SUBJECT PRETRIAL DETAINEES TO RETALIATION, DISCRIMINATION, AND PREJUDICE IN A "BUSINESS AS USUAL" MANNER WHICH CAUSED THE CONSTITUTIONAL DEFICIENCIES CLAIMED HEREIN.

PLAINTIFF STATES THAT DEFENDANT MADERA COUNTY HAS DIRECT SUBJECTIVE KNOWLEDGE, TO THE DEFENDANTS ABUSE OF AUTHORITY, RETALIATION, DISCRIMINATION, HARASSMENT, AND PREJUDICE THROUGH CITIZEN COMPLAINTS, HABEAS CORPUS, AND CIVIL RIGHTS ACTIONS REPRESENTED BY COUNTY COUNSEL AND MADERA COUNTY'S POLICY OF INACTION AND FAILURE TO PROTECT RESULTED IN THE ONGOING PRACTICE OF RETALIATION ALLOWED BY ADMINISTRATION WITHIN THE FACILITY. THIS CLAIM IS ONE OF MANY BROUGHT BEFORE THIS COURT ON GROUNDS OF RETALIATION AND DISCRIMINATION AT THE MADERA COUNTY JAIL AND INSTEAD OF CEASE THIS MISCONDUCT THE DEFENDANT MADERA COUNTY DEFENDS THIS ABUSE, ESTABLISHING THAT THIS IS NOT AN ISOLATED INCIDENT. PLAINTIFF WILL BE ABLE TO PROVE THROUGH DISCOVERY THAT THIS POLICY OF INACTION AMOUNTS TO FAILURE TO PROTECT CONSTITUTIONAL RIGHTS AND CONDONED AND USED BY DEPUTYS BECAUSE THEY WILL LATER BE REPRESENTED, OR THE COURT WILL DISREGARD CLAIMS OF SUCH BEHAVIOR.

a.) PLAINTIFF STATES THAT THE FAILURE TO PROTECT PLAINTIFFS CONSTITUTIONAL RIGHTS TO BE FREE FROM RETALIATION AND DISCRIMIN-

ATION FALLS ON THE RESPONSIBILITY OF DEFENDANT MADERA COUNTY,  
AND IT SHOULD BE HELD LIABLE FOR ITS DELIBERATE INDIFFERENCE  
THAT VIOLATE PLAINTIFF'S FIRST AND FOURTEENTH AMENDMENT RIGHTS  
TO THE UNITED STATES CONSTITUTION.

10. PLAINTIFF STATES THAT DEFENDANTS TYSON/POGUE, LT. SEABORN,  
AND SGT. B. MENDOZA SHOULD BE HELD ACCOUNTABLE FOR THEIR  
SUPERVISORY LIABILITY IN THIS ACTION FOR THEIR DEMONSTRATED  
DELIBERATE AND INDEPENDENT DECISIONS. DEFENDANT TYSON  
POGUE KNOWINGLY FAILING TO TAKE REASONABLE MEASURES TO  
PROTECT PRETRIAL DETAINEES FROM HIS DEPUTY'S ABUSE OF POWER  
AND DEFENDANTS LT. SEABORN AND SGT. B. MENDOZA PERSONNEL  
INVOLVEMENT BY SGT. B. MENDOZA ORDERING DEFENDANT VILLALOBOS  
TO NOT ONLY CONDUCT A RETALIATORY CELL SEARCH BECAUSE THE PLAINTIFF  
REQUESTED A GRIEVANCE, BUT ALSO FOR COACHING VILLALOBOS INTO  
SUBMITTING A FRAUDULANT DISCIPLINARY WRITE UP ON FALSE  
RULE VIOLATIONS, THEN DEFENDANT LT. SEABORN COVERING UP THE  
DEFENDANTS MISCONDUCT BY DEMONSTRATING A CUSTOM OF REJECTION  
WHICH CONSTITUTES A FAILURE TO PROTECT AND DELIBERATE  
INDIFFERENCE. PLAINTIFF STATES THAT THE DEFENDANTS MISCONDUCT  
DESCRIBED HEREIN ESTABLISHES A PATTERN AND PRACTICE OF  
CONSPIRACY THAT IN FACT IS A STRONG MOVING FORCE THAT LEAD TO  
PLAINTIFF'S TREATMENT.

a.) PLAINTIFF STATES THAT THE FAILURE TO PROTECT, HARASSMENT,  
AND DISCRIMINATION FALLS ON THE RESPONSIBILITY OF TYSON/POGUE,  
LT. SEABORN, AND SGT. B. MENDOZA AND THEY SHOULD BE HELD  
ACCOUNTABLE, LIABLE FOR DELIBERATE INDIFFERENCE THAT REACHES  
VIOLATIONS OF HIS CONSTITUTIONAL RIGHTS UNDER THE FIRST AND



1 DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT. HERE  
 2 PLAINTIFF WAS HARASSED AND DISCRIMINATED AGAINST ONGOINGLY,  
 3 FOLLOWED THE PROTECTIVE PROCESS BY INMATE GRIEVANCE, AND  
 4 SUPERVISORS ORDERED FRAUDULANT DISCIPLINARY ACTIONS  
 5 AND REJECTED HIS COMPLAINT TO COVER UP THEIR ABUSE OF  
 6 AUTHORITY CUSTOM.

7 11. PLAINTIFF STATES THAT DEFENDANT TYSON POGUE, LT. SEABORN,  
 8 AND SGT. B. MENDOZA, KNOWINGLY FAILED IN THEIR RESPONSIBILITY TO TAKE  
 9 REASONABLE MEASURES TO PROTECT PLAINTIFF. THE DEPRIVATIONS  
 10 DESCRIBED WITHIN WAS OBJECTIVELY SUFFICIENTLY SERIOUS AND ALL  
 11 SUPERVISORS WAS SUBJECTIVELY DELIBERATE INDIFFERENT TO PLAINTIFF'  
 12 SAFETY.

13 9.) PLAINTIFF STATED THAT BECAUSE OF DEFENDANTS TYSON POGUE,  
 14 LT. SEABORN, AND SGT. B. MENDOZA'S RESPONSIBILITIES AS SUPERVISORS AND  
 15 THEIR UNCONSTITUTIONAL SCHEME THEY ARE LIABLE FOR THE HARASSMENT,  
 16 HUMILIATION, PSYCHOLOGICAL DISTRESS AND VIOLATIONS OF PLAINTIFF'S  
 17 FIRST AND FOURTEENTH AMENDMENT RIGHTS AND STATE RULES/LAWS/  
 18 AND REGULATIONS BECAUSE IT IS THEIR DECISIONS TO PURSUE SAID  
 19 SCHEME.

20 12.) PLAINTIFF STATES THAT SUPERVISORY LIABILITY EXIST IN THIS ACTION  
 21 AGAINST DEFENDANTS MADERA COUNTY, TYSON POGUE, SGT. B. MENDOZA, AND  
 22 LT. SEABORN BECAUSE OF THEIR PARTICIPATION IN, DIRECTING THE VIOLATIONS, OR  
 23 KNEW OF THE VIOLATIONS AND FAILURE TO PREVENT THEM. HERE THE  
 24 DEFENDANT MADERA COUNTY IMPLEMENTED A POLICY OF INACTION, A  
 25 DECISION SO DEFICIENT THAT ALLOWS THE MISTREATMENT OF INMATES  
 26 IN ITS COUNTY JAIL. DEFENDANT TYSON POGUE KNEW OF THE CUSTOMS AND  
 27 PRACTICES USED BY HIS OFFICERS AND DISREGARDED TO FURTHER TRAIN OR



1. FIX THE ISSUE OF RETALIATION AND MISTREATMENT WHICH IS THE MOVING  
 2. FORCE OF THE CONSTITUTIONAL VIOLATIONS. DEFENDANTS SGT. B. MENDOZA AND  
 3. LT. SEABORN HAVE FIRST HAND KNOWLEDGE, BECAUSE DEFENDANT C/O  
 4. VILLALOBOS CONTACTED HER SUPERVISORS AND REPORTED THE SITUATION  
 5. AND DEFENDANTS DIRECTED HER CONDUCT. THEN WHEN THE PLAINTIFF  
 6. REPORTED THE DEFENDANT C/O VILLALOBOS'S ABUSE OF AUTHORITY AND  
 7. MISTREATMENT, THE VERY SUPERVISORY AUTHORITIES WHO'S POSITIONS ARE TO  
 8. PROTECT THE PLAINTIFF REJECTED HIS GRIEVANCES CREATING AN  
 9. ONGOING THREAT TO PLAINTIFF. DEFENDANTS SGT. B. MENDOZA AND LT.  
 10. SEABORN DECISIONS SERVED NO COMPELLING STATE INTEREST. THEY ARE  
 11. RESPONSIBLE FOR THE OPERATIONS AND THEIR FAILURES/ORDERS, AFTER  
 12. BEING TOLD OF THE THREATS HAVE CAUSED CONSTITUTIONAL HARMS.

13. 13.) RELIEF:

14. PLAINTIFF SEEKS DAMAGES PURSUANT TO 42 U.S.C. § 1983 FOR THE  
 15. FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION. THE PLAINTIFF  
 16. RESPECTFULLY REQUEST THAT EACH DEFENDANT IN THIS ACTION BE ORDERED  
 17. TO PAY THE PLAINTIFF:

18. 1. COMPENSATORY DAMAGES FROM EACH DEFENDANT OF \$100,000.<sup>00</sup> DOLLARS;
19. 2. PUNITIVE DAMAGES FROM EACH DEFENDANT OF \$100,000.<sup>00</sup> DOLLARS;
20. 3. GENERAL DAMAGES FROM EACH DEFENDANT OF \$100,000.<sup>00</sup> DOLLARS;
21. 4. NOMINAL DAMAGES FROM EACH DEFENDANT OF \$100,000.<sup>00</sup> DOLLARS;
22. 5. ANY FURTHER RELIEF THE COURT DEEMS JUST AND EQUITABLE OR IN ALTERNATIVE:
23. PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES AND CLAIMS AND DOLLAR
24. AMOUNT RELIEF.

25. PLAINTIFF DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
 26. FOREGOING IS TRUE AND CORRECT.

27. SIGNED THIS 13<sup>TH</sup> DAY OF JANUARY, 2025

  
ERIC VALENCIA

MADERA CO. JAIL

195 TOZER ST.

MADERA, CA 93638

DECLARATION OF SERVICE

I, ERIC VALENCIA, HEREBY STATE: I HAVE SERVED A TRUE AND  
CORRECT ORIGINAL OF THE FOLLOWING:

ORIGINAL COMPLAINT

UPON THE COURT, BY PLACING SAME IN A SEALED, POSTAGE PAID  
ENVELOPE, PROPERLY ADDRESSED TO:

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

2500 TULARE ST., ROOM 1501

FRESNO, CA. 93721

SWORN AND EXECUTED BY THE UNDERSIGNED ON 13TH DAY OF  
JANUARY, 2025, AT MADERA, CA. 93638



DECLARANT

ERIC VALENCIA #167613

MADERA CO. JAIL

195 TOZER ST.

MADERA, CA. 93638